

*Patent Application Serial No. 10/660,744*

### **REMARKS**

Throughout the claims, *purchase identification data* is changed to *purchased items data*. This is supported in the specification at page 8, line 6, as is explained further below.

The communicator now recited in Claim 1 is already recited in claim 4, and is exemplified at page 6, line 13, reading, "The communicator 2 enables transmission/reception of various data among the cellular phone 3, checkout terminal 4, and server 5. The communicator 2 comprises a network 21 and a terminal communicator 22 [that] enables transmission/reception of various data between the cellular phone 3 and checkout terminal 4. The terminal communicator 22 may adopt a wireless transmission system based on electric waves, light, infrared light, Blue tooth, or ... coaxial cable." New claim 48 is supported in Fig. 4 and the corresponding description, and is patentable for the reasons below.

The Applicant's second embodiment best corresponds to claim 2, and the third embodiment best corresponds to claim 3.

In response to the outstanding Office Action:

[1] The specification was rejected under § 112, first paragraph, and the Examiner stated that the specification should be idiomatically translated into English. This requirement is respectfully traversed. The Applicants believe that the specification is enabling under the first paragraph.

The claims are objected to for being indefinite and failing to conform to U.S. practice, and the Examiner requires idiomatic translation of the claims. This requirement is respectfully traversed. The claims are believed to be definite under the present amendment.

*Patent Application Serial No. 10/660,744*

The Examiner states that the claim numbering is improper but "applicant's sequence will not be changed." The Applicant understands that no correction is required.

[2] Claims 1 and 2-44 even were rejected under 35 U.S.C. § 101. The claims are amended to overcome the rejection. Independent claims 1, 36, 42, 44, and 46 now recite a communication terminal, which the Examiner states is sufficient to overcome the rejection. The other claims are dependent. Withdrawal of the rejection is requested.

[3] Claims 1-7, 14, 15, 18-21, 24-27, and 36-47 were rejected under 35 U.S.C. § 102(b) as being anticipated by Niwa, US 6,853,877, published as JP 2001-160108. This rejection is respectfully traversed.

The Applicant's apparatus, system, or method transmits the *purchased items data* together with the *settlement completion code* to the communication terminal to notify the customer of the completion of the specific transaction.

The Applicant's settlement completion data (or code) is "data indicating that the processing is completed" (page 2, line 26). It is exemplified by, e.g., settlement completion code "2560378" in Fig. 7.

The Applicant's specification at page 8, line 6, explains, "The purchase data includes a total purchase amount and purchase identification data [which] may include data (item names, prices, quantities, and the like) concerning the items themselves to be purchased by the customer, and supplementary data concerning the purchased date and time" (hence, "purchased items data.")

The specification also explains (page 11, line 20) that "the purchase identification [purchased items] data in addition to the settlement completion code may be displayed on the display device of ... the cellular phone 3. ... The purchase data in addition to the settlement

MAR 10 2009

*Patent Application Serial No. 10/660,744*

completion code and the purchase identification data may be transmitted to the cellular phone 3 by e-mail."

The Examiner is also invited to note page 12, lines 13-17, reading, "The shop data table 53B stores data based on shop data outputted from the settlement processing section 523. That is, as shown in FIG. 3B, the shop data table 53B stores receipt IDs, shop codes, shop names, register numbers, register attendants, dates, purchase items, and total purchase amounts as purchase identification data."

Niwa does not disclose these features, and with respect, the assertion that Niwa anticipates is not substantiated. The Applicant respectfully points out that in the rejection there is not a single citation to Niwa, either by reference numeral, text location, or drawing figure, whereby it is difficult for the Applicants to respond. Clarification is requested.

[4] Claims 8-13, 16, 17, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being obvious over Niwa in view of Nishimura, JP 2002-007698. This rejection is respectfully traversed on the grounds above. Allowance is requested.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Nick S. Bromer  
Attorney for Applicant  
Reg. No. 33,478

NSB/lrj

Suite 400  
1420 K Street, N.W.  
Washington, D.C. 20005  
(202) 659-2930

23850

PATENT & TRADEMARK OFFICE